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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,300	01/20/2006	Masaaki Tanizaki	ASAM.0183	7090
7590 04/24/2009				
Stanley P Fisher Reed Smith Hazel & Thomas 3110 Fairview Park Drive Suite 1400 Falls Church, VA 22042			EXAMINER TANG, SIGMUND N	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 04/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,300

Applicant(s)

TANIZAKI ET AL.

Examiner

SIGMUND TANG

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 11-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. In a response received on 05 January 2009, claims 11-35 have been amended. Claims 11-35 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-13, 20, 21, 23-25, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated over Moroto et al, US Patent No 5,121,326.

Re Claims 11-13, 20, 21, 23-25, 32, and 33, Moroto discloses a summarized map (Moroto, Figure 4(a); Column 6, Lines 13-49) providing guidance (Moroto, Figure 4(a), "dotted line") along a course in a local area by setting a designated point of departure such as the present position of a vehicle (Moroto, Figure 4(a), "arrow") to a destination (Moroto, Figure 4(a), "Circled X").

Moroto also discloses a summarization degree (Moroto, Column 2, Lines 45-55; "scale ratio") that is set in conformity with the distance between the present position of a vehicle to a destination. Moroto further discloses a detecting means of the present position of a vehicle and calculates present position by means of an inputs, steering angle, and information from a range finder (Moroto, Column 9, Lines 12-34). Note: The labeling of a certain map to be a "summarized map" has no bearing on patentability

since there is no claimed contrasting of sizes between said summarized map and another map.

Priorities are set to *limit* the number of roads and elements displayed based on a summarization degree corresponding to the distance from the present position of a vehicle to a destination. Moroto discloses setting scale ratios for displaying a greater or smaller range of a map (Moroto, Figure 2) of items and *ranks* roads (Moroto, Figure 3; Column 5, Lines 53-65) in priorities to be displayed wherein major roads are prioritized before minor roads (Moroto, Figure 3; 'Ranks 1 or 2' [Main Roads], 'Ranks 3 or 4' [Branch Roads]).

The limitation wherein the priorities of the main road and the crossing/branch roads are changed in accordance with a ***dynamic change in the guide route*** is met by Moroto as explained in the paragraph above. The term "dynamic change" is able to be interpreted broadly by Moroto's method of a distance to a destination calculation to change priorities on main to branch roads. Moroto's example is *indicative* (Moroto, Column 6, Lines 6-9) of this interpretation.

The limitation concerning the guide route and crossing roads intersecting said guide route as well as changing dynamically based on the present position of the vehicle is also met by Moroto. An example of this is shown in Figure 4(a) and Figure 4(b) (Moroto, Column 6) wherein Figure 4(a) displays less details at 43.7 km to the destination but however Figure 4(b) displays more details than Figure 4(a) at 10.6 km to destination including crossing roads intersecting with the guide route. In essence, the

priorities of having at least one road on the guide route and at least one road of the crossing roads are displayed on the summarized map according to road ranks/priorities.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-18, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroto et al, US Patent No 5,121,326 in further view of Katou et al, US Patent No. 6,006,161.

Re Claims 14-18, 26-29, Moroto fails to disclose a two-display system. Katou discloses an invention in a similar field of endeavors wherein two screens are used in a vehicle navigation system. Katou discloses a two-screen mode (Katou, Figure 5b) wherein a right screen is in a form of a "present-location" map screen (local plane map) wherein the present position of a vehicle is shown with surrounding objects wherein the left screen is used for displaying maps of greater ranges such as a city map or a schematic diagram (Katou, Column 7, Lines 13-20). This specific teaching (Katou, Figure 5b) shows having both the different display forms of a "summarized display" and a "road map". A person ordinarily skilled in the art would combine the teachings of Katou and Moroto for the benefit of recognizing a positional relationship of a present vehicle location to a destination with divided screens.

Re Claims 19, 30, and 31, Moroto already provides the teaching of a variable contraction scale (scale ratio) set in conformity to the summarization degree of the distance between a present location of a vehicle to a destination, as explained in **Claim Rejections - 35 USC § 102**. One ordinarily skilled in the art would utilize said Moroto's teaching and applied to any navigational map like a local area map for the purpose simplifying the display and making it easier for a driver of the vehicle to ascertain the course while driving (Moroto, Column 3, Lines 10-22).

6. Claims 22, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroto et al, US Patent No 5,121,326 in further view of Nakayama et al, US Patent No. 5,732,385.

Re Claims 22, 34, and 35, Moroto discloses a scale ratio of the range of a map dependant upon the distance between a present position of a vehicle and a destination is *silent* on having said scale ratio dependant upon vehicle speed. However, Moroto fails to disclose the limiting of displayed elements based upon a vehicle's speed. Nakayama discloses an invention in the same field of endeavors as Moroto of a vehicle navigation system. Nakayama discloses the teaching of varying contract scale ratios can be displayed according to the *vehicle's speed* (Nakayama, Column 8, Lines 11-18; Column 13, Lines 30-36). A person ordinarily skilled in the art would combine the teachings of Katou and Moroto for the benefit of having an accurate map display system.

7. Applicant's arguments with respect to claims 11-35 have been considered but are moot in view of the new ground(s) of rejection.

a. The amendment's changed limitations have already been addressed in the rejections above.

b. The applicant alleged that the examiner agreed to the differences between the prior art reference and proposed amendment claims of the claimed invention during the interview. After consideration according and in light of the submitted amendment claims, the examiner disagrees, since examiner only agreed to give full consideration of any amendment when file. Examiner has come to the conclusion of rejection after such consideration.

c. The applicant states that Moroto does not change priorities since fixed ranking is used (Moroto, Figure 3; Road Rank 1 equates to National Road, Road Rank 2 equates to City Road, etc). The examiner interprets the "changed priorities" in a broader manner according to the claims that still reasonably reads on the claimed change in priorities, as follows:

In Moroto, the scale ratio is changeable depending on distance to destination which is based on vehicle position on the guide route and corresponds to the level of displayed detail of map roads according to Figs 4a-4b. Scale ratios correspond to levels of displayed detail of map roads according to Figs. 4a-4b. The levels of displayed map road detail correspond to the road rankings of displayed roads as priorities. Therefore, in Moroto, the displayed road ranks/priorities on the summarization map are

based on the vehicle positions. Since the claimed invention does not require specifics that reflect any of the differences as indicated by applicant, the rejection is maintained.

- d. See above rejection for full detail.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sigmund Tang whose telephone number is 571-270-1243. The examiner can normally be reached on M-F: 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST

19 April 2009

/Benjamin C. Lee/

Supervisory Patent Examiner, Art Unit 2612